

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY BUFORD,)	No. CV-F-02-5313 OWW/DLB
)	
)	ORDER PURSUANT TO NINTH
)	CIRCUIT REMAND GRANTING
Plaintiff/)	PLAINTIFF'S MOTION FOR
Appellant,)	EXTENSION OF TIME (Doc. 153)
)	AND DIRECTING CLERK OF COURT
vs.)	TO SERVE COPY OF THIS ORDER
)	WITH THE NINTH CIRCUIT
)	
MTA HAGGIE, et al.,)	
)	
)	
Defendant/)	
Appellee.)	
)	
)	

By Order filed on January 14, 2008, the Ninth Circuit remanded Plaintiff's appeal to this Court for the limited purpose of allowing this Court to rule on Plaintiff's motion for extension of time filed on October 17, 2007.

Plaintiff's action was dismissed by Order filed on September 27, 2007. Judgment was entered on September 27, 2007. The Order and Judgment were served by mail on Plaintiff on September 27, 2007. The served documents were returned by the institution with the notation that Plaintiff was not in custody. On October 17,

1 2007, Plaintiff filed a notice of change of address and the
2 motion for extension of time. Plaintiff was reserved with the
3 Order and Judgment on October 29, 2007. Plaintiff filed a Notice
4 of Appeal on November 5, 2007.

5 In the motion for extension of time, Plaintiff asserts that
6 he was released from custody on September 12, 2007, that he was
7 homeless at that time, and that he recently found employment and
8 a place to live. Plaintiff requested 30 days to respond to any
9 court orders.

10 Plaintiff's motion for extension of time was filed within
11 the time prescribed by Rule 4(a)(1), Federal Rules of Appellate
12 Procedure. Plaintiff has shown cause for the requested extension
13 because he had not yet been served with the Order and Judgment
14 due to his release from custody.

15 Plaintiff's motion for extension of time to file the Notice
16 of Appeal is GRANTED.

17 The Clerk of the Court is ordered to serve a copy of this
18 Order on the Ninth Circuit.

19 IT IS SO ORDERED.

20 Dated: January 23, 2008

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE